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Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FEDERAL EXPRESS

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Room 1106
395 E Street, SW
Washington, DC 20024

February 8, 2008

Re: STB Finance Docket No. 35061
Liberty Rural Rail Transportation District No. 1 –
Construction and Operation – Liberty County, TX
Request for Waiver of Pre-Filing Notice Requirement

Dear Ms. Rutson:

I am writing on behalf of Liberty Rural Rail Transportation District No. 1 (the "Rail District") to request a waiver of the requirements of 49 CFR §1105.10(a)(1) which would ordinarily require the filing of a written notice with SEA at least six months prior to the filing of a petition for exemption to construct a rail line when an environmental impact statement ("EIS") might be required. For the reasons set forth in this letter, the Rail District believes that the six month notice requirement should be waived as permitted under 49 CFR §1105.10(c).

The Rail District is a rural district established by Liberty County under Texas law for the purpose of owning, constructing and operating railroads and rail facilities in Liberty County. The Rail District is proposing to build a rail line approximately 32 miles long from west of Dayton to east of Cleveland, all in Liberty County. Once constructed, the Rail District intends to contract with an experienced short line railroad carrier to maintain and provide service over the line.

The Rail District initially notified the Section of Environmental Analysis ("SEA") about this project when the Rail District and the undersigned met with you and staff of SEA on June 28, 2007, to describe the project and to discuss the applicable environmental review procedures and requirements. Following the meeting, the Rail District requested, and SEA approved, the retention of Carter & Burgess, Inc. ("C-B") as an independent third-party consultant for this project. A Memorandum of Understanding was executed by the Rail District, C-B and SEA in September, 2007. C-B has begun the consultation process and sent out letters on behalf of SEA, in November, 2007, to potentially interested federal, state and local agencies, requesting that the agencies provide information on any environmental or historic issues or concerns. A field visit took place on December 18, 2007, with C-B, representatives of the Rail District and Danielle Gosselin of SEA, to observe existing environmental conditions and physically inspect the proposed route and possible alternatives.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



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Contemporaneously with this request for waiver, the Rail District is also filing a request for a waiver of the requirement that an EIS be prepared in connection with this project.. As set forth more fully in that request, the Rail District does not believe that there will be any substantial adverse effects on the environment as a result of this project.

Thus, although no formal pre-filing written notice has been provided, the Rail District advised SEA about the project over six months ago, and the environmental consultation process is well under way. Accordingly, the Rail District believes that SEA and its third-party contractor will have sufficient time to review the potential environmental effects of the project, and in accordance with the requirements of 49 CFR §1105.10(c), requests that the six month pre-filing written notice be waived.

Please let us know if you have any questions regarding this request, or if you need any additional information to make this determination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Hocky".

Eric M. Hocky

EMH/e

cc (via e-mail):

Danielle Gosselin
Sandy Wesch-Schulze, Carter Burgess, Inc.
Ruth E. Salek, Esq., Liberty Rural Rail Transportation District No. 1